

REMARKS

Status of Claims

Claims 1-84 were pending. By this Amendment, claims 1, 5, 14, 21, 23, 30-35, 47, and 48-52 are amended, claims 22, 38-43, 46, 81-84 are canceled, and new claims 85-91 are presented. No new matter is entered.

Claim Rejections: 35 U.S.C. § 112, second paragraph

Claims 18 and 77 were rejected under 35 U.S.C. § 112, second paragraph as indefinite. With regard to claim 18, the Examiner stated that it was unclear how a substance such as silica would be capable of binding to a preselected component of a sample. Applicants point out that claim 18 does not require that the silica itself be capable of such binding; rather, the claim merely requires that the recited substance include silica.

With regard to claim 77, the Examiner stated that it was unclear how the breakable seal is formed such that bursting of the breakable seal leaves the inner tubule surface substantially free of obstructions to fluid flow, and that the specification does not disclose such formation. Applicants direct the Examiner's attention to paragraphs [22] and [23] on pp. 6-7 of the specification for a description of peelable seals, which upon bursting leave the inner tubule surface substantially free of obstructions to fluid flow.

Claim Rejections: 35 U.S.C. § 102

Claims 1, 2, 5-10, 14-16, 22, 23, 29, 32, 36-37, 39, 47, 76, 77, and 81 were rejected under 35 U.S.C. § 102(b) as reciting subject matter anticipated by U.S. Pat. No. 5,422,271 to Chen et al.

Claim 1 has been amended to include the limitation(s) of former claim 38. As claim 38 was not rejected for anticipation by Chen, the rejection is moot.

Claims 1-3, 22-31, 38, 44, 45, and 77-80 were rejected under 35 U.S.C. § 102(b) as reciting subject matter anticipated by U.S. Pat. No. 5,380,665 to Cusack et al.

Claim 1 has also been amended to include the limitation(s) of former claim 81, so the rejection over Cusack is moot.

Regarding claim 47, Chen does not disclose a substantially linear array of contiguous segments. The Examiner acknowledged as much by not rejecting claim 44 for anticipation by Chen.

Claim Rejections: 35 U.S.C. § 103(a)

Claims 4, 17, and 18 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over Chen in view of U.S. Pre-Grant Publication No. 2003/0134390 to Presnell et al.

The rejection is moot in view of the amendments to claim 1.

For these reasons, Applicants request reconsideration and withdrawal of all rejections.

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Respectfully submitted,

By /SCOTT E. KAMHOLZ/
Scott E. Kamholz, Reg. No. 48,543
FOLEY HOAG LLP
155 Seaport Blvd
Boston, Massachusetts 02210
(617) 832-1176
Attorney for Applicant